

December 11, 2018

The Honorable Ajit Pai, Chairman  
The Honorable Michael O’Rielly, Commissioner  
The Honorable Brendan Carr, Commissioner  
The Honorable Jessica Rosenworcel, Commissioner  
Federal Communications Commission  
455 12<sup>th</sup> Street, Southwest  
Washington, DC, 20544

*RE: MB Docket No 05-311 In the Matter of Implementation of Section 621(a)(1) of the Cable Communications Policy Act of 1984 as Amended by the Cable Television Consumer Protection and Competition Act of 1992*

I am writing in support of Akaku Maui Community Television in the Second Further Notice of Proposed Rule Making. As an employee of the media center, I stand in strong opposition the proposed ruled changes because of their impacts on our organization and our community.

When I represent Akaku: Maui Community Media out in public, I invariably receive compliments and expressions of gratitude for the service we provide. Large urban areas have the advantage of multiple media outlets, but due to the rural nature of the Hawaiian Islands – and the reality that all of the state’s major news stations are Oahu-based – the residents of Maui, Molokai and Lanai rely heavily on our programming to stay informed about the issues and events that are important to them. In many cases, we are their primary source of local news and information.

Democracy depends on an informed populace in order to function, and Akaku is the only place where the voters of Maui County, which includes the islands of Molokai and Lanai as well as Maui, can tune in to watch their Mayor, County Council and Boards and Commissions making the decisions that will affect all of our lives. And nobody provides more coverage of our candidates during election season. Now more than ever, people are craving honest, factual information about candidates for office on which to base their decisions. We provide that.

This FNPRM allows cable companies to determine how their “rent” (franchise fee revenue) for use of public right of way will be spent and restricts LFA oversight. Since our PEG Access TV non-profit relies on 3% of cable franchise fees for the majority of funding, the consequences of this rulemaking, if adopted, will decimate these valuable community resources, diminish educational opportunities, eliminate jobs, retard media literacy and do irreparable harm to community communications and civic engagement.

The FCC would define “In-Kind” contributions so broadly as to undermine the Cable Act’s intent to provide franchise fees to communities for use of public rights of way. Any non-monetary benefit could conceivably be charged back against franchise fees – from backhaul services, to electronic program guides, to the value of PEG channel capacity itself. The charge backs would be at fair market value as determined by the cable industry, so I believe in many areas franchise fees might be eliminated in their entirety.

This benefit for people was what was intended when Congress set up the Cable Act. PEG Access does not solely benefit a local government or franchising authority: It benefits and strengthens the community as a whole.

By allowing cable operators to reduce franchise fee support for local communities if they opt for local channels is bad for our democracy and the FNPRM diminishes the ability of PEG channels to serve communities such as ours. I ask that it not be adopted.

Thank you.

Yours sincerely,

Daniel R. Collins,  
Education Department Production Coordinator,  
Akaku: Maui Community Media